

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Stephen J. Mordfin, AICP, Case Manager
 Joel Lawson, Associate Director Development Review
DATE: April 15, 2013
SUBJECT: Extension Request – BZA Case 17606, 5543-5575 South Dakota Avenue, N.E.

Applicant	Fort Totten South, LLC
Address	5543-5575 South Dakota Avenue, N.E.
Ward / ANC	Ward 4; ANC 4B
Project Summary	Group of three multi-family residential buildings
Date of Order Issuance	May 9, 2007
Date of Order Expiration	May 9, 2009
First Extension Expiration	May 9, 2011
Second Extension Expiration	May 9, 2013

PHOTOGRAPHS OF SITE



2011



2012 (Bing)

EVALUATION OF THE EXTENSION REQUEST

Section 3130.6 of the Zoning Regulations allows for the extension of a BZA approval for “good cause” shown upon the filing of a written request by the applicant before the expiration of the approval; provided that the BZA determines that the following requirements are met:

- (a) The extension request is served on all parties to the application by the applicant, and all parties are allowed thirty (30) days to respond.**

The Certificate of Service submitted as a part of the application indicates that it was served on ANC 4B and the single member district commissioner for 4B09 on March 12, 2013. Section 3130.9 provides that a time extension filed at least 30 days prior to the expiration date shall toll the expiration date to allow the BZA to consider the request

- (b) There is no substantial change in any of the material facts upon which the Board based its original approval of the application that would undermine the Board's justification for approving the original application.**

Zoning Regulations

There have been no changes to the zone district classification of the subject property.

Surrounding Development

There have been no significant projects approved since the previous approval was granted by the BZA.

Proposed Development

The application indicates that no changes to the approved development are proposed as part of this extension request.

- (c) The applicant demonstrates that there is good cause for such extension, with substantial evidence of one or more of the following criteria.**

- (1) An inability to obtain sufficient project financing due to economic and market conditions beyond the applicant's reasonable control;**
- (2) An inability to secure all required governmental agency approvals by the expiration date of the Board's order because of delays that are beyond the applicant's reasonable control; or**
- (3) The existence of pending litigation or such other condition, circumstance, or factor beyond the applicant's reasonable control.**

The reconstruction of the intersection of South Dakota Avenue and Riggs Road was originally proposed to be completed in 2009, but was not finished until this year. Until road construction was complete final lot boundaries could not be determined, which contributed to the applicant not being able to secure financing, in addition to not being able to access the site. Poor economic conditions of the last several years also contributed to the applicant's inability secure financing. These factors are all beyond the applicant's reasonable control.